



Resolution # HSRA 12-17

Certification of the Bay Area to Central Valley High-Speed Train Partially Revised Final Program Environmental Impact Report (EIR) for Compliance with the California Environmental Quality Act (CEQA)

Adoption of CEQA Findings of Fact and Statement of Overriding Considerations

Adoption of Mitigation Monitoring and Reporting Program

Approval of the Pacheco Pass Network Alternative Serving San Francisco via San Jose Preferred Alignment Alternatives and Station Location Options

WHEREAS, pursuant to the California High-Speed Rail Act, Public Utilities Code section 185000, et seq., the California High-Speed Rail Authority ("Authority") was created in 1996 to direct the development and implementation of intercity high-speed rail service that is fully integrated with the state's existing intercity rail and bus network.

WHEREAS, the Authority has chosen to use a tiered environmental review and decision making process to identify preferred alignments and station locations for the high-speed train (HST) system;

WHEREAS, the Authority and the Federal Railroad Administration (FRA) completed a first-tier, program environmental impact report/environmental impact statement for the statewide HST system in 2005 and approved general alignments and station locations for most of the statewide system for further study in second-tier, project-level environmental documents, but directed staff to prepare a separate first-tier, program EIR/EIS for the Bay Area to Central Valley route;

WHEREAS, the Authority and FRA completed a Bay Area to Central Valley HST Final Program EIR/EIS in 2008;

WHEREAS, due to litigation, the Authority prepared a 2010 Revised Final Program EIR;

WHEREAS, due to further litigation challenges the Authority prepared the 2012 Partially Revised Final Program EIR;

WHEREAS, the Authority now has before it the 2012 Partially Revised Final Program EIR;

WHEREAS, prior to taking action, the Authority has reviewed, and considered, among other items: (1) the 2012 Partially Revised Final Program EIR, which includes the 2010 Revised Final Program EIR and the 2008 Final Program EIR; (2) the entire record before the Authority, including the entire body of public comment submitted to the Authority as reflected in the 2012 Partially Revised Final Program EIR, chapters 1019, Volume 2 of the 2010 Revised Final Program EIR and Volume 2 of the 2008 Final Program EIR; (3) all verbal and written public comments and evidence presented to it; and (4) the proposed CEQA Findings of Fact and Statement of Overriding Considerations and proposed Mitigation Monitoring and Reporting Program.

WHEREAS, the Authority recognizes that the decision over the route selection for the HST system from the Central Valley into the Bay Area has been, and continues to be, of significant public interest and debate;

WHEREAS, the Authority has considered the environmental effects of the Pacheco Pass Network Alternative serving San Francisco via San Jose as presented in the 2012 Partially Revised Final Program EIR and finds that with the inclusion of the described design practices and mitigation strategies, as further discussed in the attached CEQA Findings of Fact, the potential adverse impacts of the preferred network alternative will be avoided, reduced and minimized to the extent feasible and that the feasible mitigation strategies identified at the program-level of analysis will be applied and refined at the project level to further avoid and reduce impacts; and that additional mitigation measures will be considered as part of the CEQA process for the second-tier, project-level EIRs that will be prepared; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have been fulfilled;

NOW, THEREFORE, IT IS RESOLVED by the California High-Speed Authority as follows:

Section 1. Certification of the 2012 Partially Revised Final Program EIR. The Authority hereby certifies that:

- (a) the Partially Revised Final Program EIR has been completed in compliance with CEQA;
- (b) the Partially Revised Final Program EIR has been presented to the Authority Board and the Board has reviewed and considered the information contained in the Partially Revised Final Program EIR prior to approving the project; and
- (c) the Partially Revised Final Program EIR reflects the Authority's independent judgment and analysis.

Section 2. Approval of CEQA Findings of Fact. As the decision-making body for the HST system, the Authority has reviewed and considered the information contained in the Partially Revised Final Program EIR and in the CEQA Findings of Fact attached hereto as Exhibit "A" and supporting documentation. The Authority determines that the CEQA Findings of Fact contain a complete and accurate reporting of the environmental impacts and mitigation strategies associated with the Pacheco Pass Network Alternative serving San Francisco via San Jose, including preferred alignments and station location options as described in Chapter 6 of the Partially Revised Final Program EIR. The Authority further finds that the CEQA Findings of Fact have been completed in compliance with CEQA and the State CEQA Guidelines. The Authority hereby approves and adopts the CEQA Findings of Fact attached hereto as Exhibit "A".

Section 3. Approval of Statement of Overriding Considerations. The Authority hereby finds that the Statement of Overriding Considerations was completed in accordance with Public Resources Code section 21081 and State CEQA Guidelines Section 15093, subdivision (a), which states that CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. The Statement of Overriding Considerations is included in the Findings of Fact attached hereto as Exhibit "A" and sets forth those significant effects on the environment that are found to be unavoidable at the program level, but are acceptable due to the overriding concerns and benefits expected to result from implementing the Pacheco Pass Network Alternative serving San Francisco via San Jose as part of the statewide HST System. The Authority hereby approves and adopts the Statement of Overriding Considerations included in the Findings of Fact attached hereto as Exhibit "A".

Section 4. Adoption of Mitigation Monitoring and Reporting Program. Pursuant to Public Resources Code section 21081.6, and State CEQA Guidelines Section 15091, subdivision (d), the Authority hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit "B".

Section 5. Approval of the Pacheco Pass Network Alternative serving San Francisco via San Jose, Preferred Alignments and Station Location Options. Based on and in consideration of all of the foregoing, the Authority hereby approves the preferred network alternative identified in Chapter 6 of the Partially Revised Final Program EIR as the Pacheco Pass Network Alternative serving San Francisco via San Jose to connect the San Francisco Bay Area with the Central Valley, along with, and as conditioned by, the design practices and mitigation strategies, which are described in the Findings of Fact attached hereto as Exhibit A and reflected in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, and which shall be incorporated into and be a part of the approved preferred network alternative.

Section 6. Next Steps. The Authority hereby directs staff to file a Notice of Determination with the State Clearinghouse and to take any other necessary steps to complete the programmatic CEQA process.

Based on its consideration and approval of the Pacheco Pass Network Alternative serving San Francisco via San Jose for the HST System, and the preferred alignments and station location options it has identified within this network alternative, the Authority hereby directs staff to proceed with the second-tier, project-level EIR for the San Jose to Merced section of the HST system.

The Authority further directs staff to proceed with consultations and discussions with the appropriate local government and transportation agencies to develop a detailed description of a second-tier project for the HST system between San Francisco and San Jose along the Caltrain corridor that is focused solely on a blended system approach. The Authority further directs staff that a second-tier, project-level EIR for the San Francisco to San Jose section of the HST system shall be focused solely on a blended system approach.

CERTIFICATION

The undersigned Chief Executive Officer, or his designee, of the California High-Speed Rail Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California High-Speed Rail Authority held on April 19, 2012.

Dated: 4/19/12



Thomas Fellenz
Acting Chief Executive Officer

Vote: 5-0
Date: 4/19/12

Agenda Item # 4
4/19/12 Board Meeting